

Senate Bill No. 1525

Passed the Senate August 22, 2012

Secretary of the Senate

Passed the Assembly August 20, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Part 40.3 (commencing with Section 67450) to Division 5 of Title 3 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1525, Padilla. Postsecondary education: Student Athlete Bill of Rights.

Existing law provides for a system of postsecondary education in this state. This system includes 4 segments: the University of California, administered by the Regents of the University of California; the California State University, administered by the Trustees of the California State University; the California Community Colleges, administered by the Board of Governors of the California Community Colleges; and independent institutions of higher education.

This bill would enact the Student Athlete Bill of Rights, pursuant to which, commencing with the 2013–14 academic year, intercollegiate athletic programs at 4-year institutions of higher education in the state, as defined, that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights, as defined, for intercollegiate athletics, would be required to comply with prescribed requirements. Among other things, the bill would require the institution of higher education to provide an equivalent scholarship, as prescribed, to a student athlete, as defined, if an athletic program, as defined, does not renew the athletic scholarship of a student athlete who suffers an incapacitating injury or illness resulting from his or her participation in the athletic program, and the institution's medical staff determines that the student athlete is medically ineligible to participate in intercollegiate athletics, or if a student athlete on an athletic scholarship and in good standing exhausts his or her athletic eligibility, except for specified athletic programs.

The bill would also require that athletic programs that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights for intercollegiate athletics be responsible for paying the premiums of each of its student athletes whose

household has an income and asset level that does not exceed the level for Cal Grant A recipients, as specified, for insurance covering claims resulting from their participation in the athletic program, unless the student athlete declines the payment of premiums. The bill would provide that the athletic program would be responsible for paying the insurance deductible amount applicable to the claim of any student athlete who suffers an injury resulting from his or her participation in the athletic program and makes a claim relating to that injury. The bill would require the athletic program to provide, to a student athlete who suffers an injury resulting from participation in the athletic program and requires ongoing medical treatment, either the necessary medical treatment or health insurance that covers the injury and the resulting deductible amounts. These provisions would not apply to preexisting medical conditions that predated the student athlete's participation in the athletic program.

The bill would require that the institutions of higher education to which these provisions relating to equivalent scholarships and insurance coverage apply would rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under these provisions.

These provisions would become inoperative on January 1, 2021.

The people of the State of California do enact as follows:

SECTION 1. Part 40.3 (commencing with Section 67450) is added to Division 5 of Title 3 of the Education Code, to read:

PART 40.3. STUDENT ATHLETE BILL OF RIGHTS

CHAPTER 1. PREAMBLE

67450. The Legislature finds and declares all of the following:

(a) Meeting the educational needs of student athletes should be a priority for intercollegiate athletic programs.

(b) California's institutions of higher education that participate in Division I and Division II intercollegiate athletics collectively generate millions of dollars annually in media contracts, and this revenue would not exist without the efforts of student athletes.

(c) Student athletes generate large revenues for many athletic programs, spend approximately 40 hours per week participating in their respective sports, and suffer current and historically low graduation rates.

(d) Providing adequate health and safety protection for student athletes can help prevent serious injury and death.

(e) Current and former student athletes can be left to pay for medical expenses incurred from injuries suffered while participating in intercollegiate athletics.

(f) Institutions of higher education should provide their student athletes with the same due process protection afforded to students who do not participate in athletics.

(g) Athletic programs in this state are subject to federal gender equity requirements under Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.).

(h) An institution of higher education should not punish any student athlete for transferring to another institution of higher education.

(i) An institution of higher education should not use funds for purposes of this part that are dedicated for the benefit of the general student body.

CHAPTER 2. GENERAL PROVISIONS

67451. For purposes of this part:

(a) “Athletic association” means any organization that is responsible for governing intercollegiate athletic programs.

(b) “Athletic program” means an intercollegiate athletic program at any institution of higher education within the meaning of subdivision (d).

(c) “Graduation success rate” means the percentage of student athletes who graduate from that institution of higher education within six years of their initial enrollment, excluding outgoing transfers in good academic standing with athletic eligibility remaining, and including incoming transfers. The rate is to be calculated by combining the rates of the four most recent classes that are available in the exact manner as the rate is calculated under National Collegiate Athletic Association rules.

(d) “Institution of higher education” means any campus of the University of California or the California State University, or any

four-year private university located in California, that maintains an intercollegiate athletic program.

(e) “Media rights” means the rights to media coverage of intercollegiate athletics included in contracts that are entered into by intercollegiate athletic conferences and television networks and that generate monetary payments to individual institutions of higher education.

(f) “Student athlete” means any college student who participates in an intercollegiate athletic program of an institution of higher education, and includes student athletes who participate in basketball, football, and other intercollegiate sports.

67452. Commencing with the 2013–14 academic year, an athletic program shall comply with all of the following:

(a) (1) If an athletic program does not renew an athletic scholarship of a student athlete who suffers an incapacitating injury or illness resulting from his or her participation in the athletic program, and the institution of higher education’s medical staff determines that he or she is medically ineligible to participate in intercollegiate athletics, the institution of higher education shall provide an equivalent scholarship that, combined with the total duration of any previous athletic scholarship or scholarships received by the student athlete, will be provided for a total of up to five academic years or until the student athlete completes his or her undergraduate degree, whichever period is shorter. Additional years may be provided at the discretion of the institution of higher education.

(2) If a student athlete takes a temporary leave of absence from an institution of higher education, the duration of that leave of absence shall not count against the five-year limit on eligibility for an equivalent scholarship imposed by paragraph (1).

(3) An athletic program shall provide an equivalent scholarship to a student athlete who was on an athletic scholarship and is in good standing, but has exhausted his or her athletic eligibility, for up to one year or until the student athlete completes his or her primary undergraduate degree, whichever is shorter, except that an athletic program with a graduation success rate that is above 60 percent, disaggregated by team, shall not be subject to the requirements of this paragraph.

(4) A student athlete whose athletic scholarship is not renewed for cause by an athletic program shall receive no benefits under

this part, but may appeal this decision within the institution of higher education attended by the student or within the athletic conference or association of which that institution of higher education is a member, as appropriate.

(b) Each athletic program shall conduct a financial and life skills workshop for all of its first-year and third-year student athletes at the beginning of the academic year. This workshop shall include, but not be limited to, information concerning financial aid, debt management, and a recommended budget for full- and partial-scholarship student athletes living on or off campus during the academic year and the summer term based on the current academic year's cost of attendance. The workshop shall also include information on time management skills necessary for success as a student athlete, and academic resources available on campus.

(c) An institution of higher education shall grant a student athlete the same rights as other students with regard to any and all matters related to possible adverse or disciplinary actions, including, but not necessarily limited to, actions involving athletically related financial aid.

(d) An athletic program shall respond within seven business days with an answer to a student athlete's written request to transfer to another institution of higher education.

(e) An institution of higher education that receives, as an average, less than ten million dollars (\$10,000,000) in annual income derived from media rights for intercollegiate athletics shall not be subject to the requirements of this section.

(f) An institution of higher education to which this section applies shall rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under this section.

67453. (a) (1) Unless a student athlete declines the payment of premiums, an athletic program shall be responsible for paying the premiums of each of its student athletes whose household has an income and asset level that does not exceed the level for Cal Grant A recipients set forth in Section 69432.7 for insurance covering claims resulting from their participation in the athletic program.

(2) An athletic program shall be responsible for paying the insurance deductible amount applicable to the claim of any student

athlete who suffers an injury resulting from his or her participation in the athletic program and makes a claim relating to that injury.

(3) If a student athlete suffers an injury resulting from his or her participation in the athletic program that requires ongoing medical treatment, the athletic program shall provide, for a minimum of two years following the student athlete's graduation or separation from the institution of higher education, one of the following:

(A) The necessary medical treatment.

(B) Health insurance that covers the injury and the resulting deductible amounts.

(4) This subdivision shall not apply to preexisting medical conditions that predate the student athlete's participation in the athletic program.

(b) An athletic program shall adopt and implement guidelines to prevent, assess, and treat sports-related concussions and dehydration. In addition, an athletic program shall adopt and implement exercise and supervision guidelines for any student athlete identified with potentially life-threatening health conditions who participates in an athletic program.

(c) An institution of higher education that receives, as an average, less than ten million dollars (\$10,000,000) in annual income derived from media rights for intercollegiate athletics shall not be subject to the requirements of this section.

(d) An institution of higher education to which this section applies shall rely exclusively on revenue derived from media rights for intercollegiate athletics to defray any costs accrued under this section.

67454. This part shall become inoperative on January 1, 2021.

Approved _____, 2012

Governor